IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.580 OF 2004
IN
SUIT NO.3690 OF 1992

Mascot Developers & Ors. ..Plaintiffs.

Vs.

Dr.Natwarlal Dayashankar Joshi & Ors. ..Defendants.

And

Hatane Premises Pvt. Ltd. (Previously known as Majithia & Mehta Constructions Pvt. Ltd.) ..Respondents.

Mr.D.G.Bagwe with Ms.Anita Castelino for the Plaintiffs.

Ms.Alpana Ghone i/b.M/s.Kanga & Co. for the Respondents.

None for the Defendants.

CORAM: S.J.VAZIFDAR, J.
DATED: 18TH AUGUST, 2004.

P.C. :

Leave to amend the schedule to the Chamber Summons by substituting the word "Plaintiff" in clause (a) thereof with the word "Defendants".

2. The earlier Chamber Summons for the same relief was dismissed on 14th October, 1994 with liberty to take out a fresh Chamber Summons. The Plaintiffs

have averred that they were unaware of the order of dismissal as a result of their Advocate's default, till November, 1994. The fact is that upon being informed about the creation of third party rights, the Plaintiffs had taken out a Chamber Summons in 1993 itself.

3. In the circumstances, the Chamber Summons is allowed in terms of prayers (a) and (b).

4. It is made clear however that the same is subject to all the rights and contentions of the Defendants including as to limitation, which will be decided at the final hearing of the suit.

Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer.